

**TOWN OF LA POINTE
SPECIAL TOWN BOARD MEETING/JOINT MEETING WITH TOWN
PLAN COMMISSION
THURSDAY, MAY 3, 2012
AT 4:30 PM AT TOWN HALL**

I. Call to Order

**II. Discussion of Issues Regarding the Town in which both
bodies have decision- and recommendation-making powers.**

Town Board Present: Nick Nelson, Jim Patterson, Greg Nelson, Larry Whalen

Town Plan Commission Present: Ted Pallas, Joan Martin, Greg Thury, Larry Whalen, Carey Baxter, Suellen Soucek, Charles Brummer

Public Present: Lisa Potswald, Mike Starck, Charles Meech, Dave Thomas, Kate Bortell

Meeting called to order at 4:30 PM by Greg Nelson.

Greg Nelson began by giving background for the meeting: in February of 2012, the Town Plan Commission [TPC] recommended unanimously that the Town Board reject an application for an amendment to the Conditional Use Permit [CUP] held by Craftivity, Inc., property at 978 Middle Rd. The Town Board overturned that recommendation and granted the amendment to the CUP. Greg Nelson stated that he felt then and feels now that elected officials should be making the ultimate decision on the granting of CUP's. His reasoning is that if the voters disagree with the decision, the elected officials can be voted out of office.

Ted Pallas stated his opinion that the whole process would go more smoothly if the Town Board "took CUP's all the way from the start."

Greg Nelson replied that he is agreeable but that he had spoken to Zoning Administrator Jen Croonborg-Murphy once before about this and felt that there are technical difficulties with doing that. He added that the Town Board should attend all meetings [held by the TPC] regarding CUP's.

Ted Pallas replied that this is a step in the right direction; however, if the only appeal that CUP applicants have is court, then the Town Board should see the CUP's all the way through.

Charlie Brummer stated that the TPC has held public hearings on two CUP's in the recent past [Big Bay Town Park & Craftivity, Inc.] and on both occasions public input was taken by the Town Board after the public hearings were held. He added that he does not understand this.

Larry Whalen added that in the case of the Big Bay Town Park Cup he favored testing across the road [the north side of County H], and that he brought it up at

Town Board meetings. He stated that the Big Bay Town Park project has grown beyond what he expected it would be.

Greg Nelson stated that he has heard from attorneys that the campground is on Town property and should therefore be excluded from the CUP process. He said that according to Jen Croonborg-Murphy it needed a CUP.

Ted Pallas stated that according to attorney Mike Fauerbach, the Town Board cannot act as the Board of Appeals. Greg Nelson replied that Fauerbach was the one who set it up that way.

Ted Pallas reviewed: the TPC makes a recommendation regarding a CUP, and then the Town Board approves and puts conditions on the CUP. He feels that the TPC should attend meetings when the Town Board is approving/placing conditions since it is the TPC that interprets the CUP's.

Nick Nelson added that in the case of contentious CUP's, a joint meeting should be held. He further added that the Comprehensive Plan can frequently be used to defend both sides of an argument.

Greg Nelsons stated that the Comprehensive Plan is a guideline, but the Ordinance is the law. He added that revisions can be made to the Comprehensive Plan at any time and that it has never been revised.

Jim Patterson credited the TPC with finding an "acceptable compromise" to the downtown parking situation.

Charlie Brummer and Carey Baxter stated that differing opinions are good as long as both sides are respectful.

Larry Whalen stated that the Zoning Ordinance is based on the Comprehensive Plan. The Plan is broad-based; the details are in the Ordinance.

Nick Nelson asked if there is consensus to turn over the CUP process to the Town Board. Ted Pallas & Greg Nelson agreed that there must be some legal reason not to do this.

Ted Pallas reiterated that if the TPC is being asked to interpret CUP's, then they should be required to attend decision-making meetings.

Greg Nelson agreed.

Pallas added that the TPC has no problem attending meetings.

Ted Pallas stated that a CUP is a zoning change and that if it's going to be denied, there had better be a good reason. Greg Nelson & Pallas agreed that it is "spot zoning."

Nick Nelson stated that it would be in the best interest of the Town if both groups [Town Board & TPC] are unified and asked for consensus to revisit the Comprehensive Plan more often.

Discussion followed regarding parking spaces in the commercial district.
Discussion followed regarding zones & permitted uses over the years.

Suellen Soucek asked that the Town Board give more weight to TPC decisions.

Greg Nelson said that he had read everything thoroughly and given his own reasons for his decision rather than criticizing the decisions made by others.

Carey Baxter stated that fixing blame is of no use and called for a consensus to work together.

Joan Martin added that both groups must find a way to listen to each other.

III. Adjournment at 5:30 PM

Notice is hereby given that a majority of the members of the Town Plan Commission may be present at the Special Town Board Meeting scheduled for Thursday, May 3, 2012, at 4:30 PM at the La Pointe Town Hall to gather information about a subject over which they have recommendation-making responsibility.

This constitutes a meeting of the Town Plan Commission and must be noticed as such although the Town Plan Commission will not take any formal action at this meeting.

Approved on May 8, 2012, with clarification of which "Mr. Nelson" was speaking.
Patty Hobin, Town Clerk